

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Criminal No. 0:23-cr-00193-PJS-LIB

United States of America,

Plaintiff,

vs.

TERRY JON MARTIN,

Defendant.

SENTENCING POSITION

INTRODUCTION

It was 2005 and Terry Martin was finally living a life he could be proud of. He had been out of prison for nearly 10 years, he was employed, and he had even received early termination of his federal probation. Given his past, this was no small feat. So when an old mob associate contacted him about “a job,” Terry told him he wasn’t interested. After all, nothing was worth throwing away all that he had worked so hard for, right? Unfortunately, wrong.

While Terry had been crime free for years, the addict’s rush of anticipation was too much, and he gave into the temptation of “one last score.” So Terry called the associate back and asked him what the job entailed. The answer surprised him: a jewel heist, and not just any jewel heist—the man wanted to steal the ruby red slippers made famous by Judy Garland’s character, Dorothy, in the iconic film, *The*

Wizard of Oz. The slippers were on display at a museum in Grand Rapids, Minnesota—Garland’s place of birth. That was Terry’s hook, as he was born near Grand Rapids and living in the area post-prison. Suddenly and unexpectedly, his new life had crossed paths with his old one in the form of two sequined slippers.

After much internal strife, “old Terry” beat out “new Terry” and he accepted the job. In doing so, he had no idea the cultural significance of the slippers or their theft. In fact, he had never even seen the movie. His intent was singular: he believed the gemstones affixed to the slippers were *real rubies*, and so he hoped to steal the slippers, remove the rubies, and sell them on the black market through a jewelry-fence. It wasn’t an act meant to set off the international intrigue that it did. Instead, it was an aging thief committing a crime that he’s lived to deeply regret.

Yes, Terry Martin stole Dorothy’s ruby red slippers. And that’s why he pleaded guilty. But there’s so much more to the story than just this headline-grabbing lead. This sentencing position tells that story.

BACKGROUND

Terry’s life has four chapters: (1) youthful transgressions; (2) family tragedy; (3) prison and reformation; and (4) slippers theft. Together, these chapters explain who Terry is and shed light on why he did the things he did. They’re not meant as an excuse, but rather an explanation to help the Court fashion a sentence that’s “sufficient, but not greater than necessary” under 18 U.S.C. § 3353(a).

1) Terry’s childhood is difficult, leading to youthful transgression.

Born in 1947, Terry’s first 12 years of life were bliss, the type of idyllic childhood you see in a Norman Rockwell painting.¹ But that all changed when his mother died in 1959.² His father remarried, and that was the beginning of the end for Terry’s happy childhood. By all accounts, his stepmother should never have been a mother, as she treated Terry and his three brothers terribly. She physically abused the boys and often made them stay outside for prolonged periods, forcing them to “fend for their own food by fishing and hunting.”³ Of Terry’s many life experiences, including being homeless and going to prison, he described his stepmother as “the cruelest person he’d encountered.”⁴

Given this maltreatment, Terry left home and moved to Minneapolis when he was 16 years old.⁵ Without structure or discipline, Terry relished in his newfound freedom. Unfortunately, it came back to bite him. First, he began drinking heavily.⁶ The drinking quickly begot criminality, and Terry committed his first felony offense

¹ PSR at ¶ 62.

² *Id.* at ¶¶ 62, 114.

³ *Id.*

⁴ *Id.*

⁵ *Id.* at ¶¶ 62, 65.

⁶ *Id.* at ¶ 65.

at the age of 19.⁷ He served three years in state prison for his crime.⁸ Sadly, during this incarceration, a life-changing tragedy struck Terry and his family.

2) An unspeakable tragedy strikes Terry's family, changing him forever.

While on parole, Terry had a relationship with a woman named Terry Cronquist and she became pregnant with twins. Before the birth, however, Terry's parole was revoked, landing him back in prison.⁹ The twins, Nathan and Faith, were born in February 1971, but Terry wasn't present to see this miracle.¹⁰ So a month later, Cronquist brought the infants to St. Cloud, Terry's city of incarceration, so he could see them for the first time. After the visit, Cronquist left the prison and, on her way home, her vehicle "was struck by a train as she crossed the railroad tracks that r[a]n between the prison and the highway."¹¹ Both babies were "thrown from the vehicle."¹² Faith died at the scene, Nathan at the hospital.¹³ Imprisoned, Terry could do nothing, trapped inside a mind filled with rage and grief.

⁷ *Id.*

⁸ *Id.* (Terry received a four-year sentence, but the state paroled him for one year).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

According to his family, this tragedy changed Terry forever.¹⁴ The young man who would have gotten out of prison and possibly reformed his life was gone. In his place: a devastated man, with no hope and nothing to live for. This was truly the turning point in Terry's life—his villain origin story—and the reason he not only went down his dark path but accelerated towards it. His son said it best: “the twins’ death made [my dad] just give up on life; he decided on a life of crime.”¹⁵ Now nobody has a crystal ball, and it's impossible to “butterfly effect” Terry's life. But it's safe to say that had his *one-month-old twins* not died, Terry likely would not have made the choices he made and lived the life he did. Unfortunately, they did die, and so we'll never know. But the Court should keep this tragedy in mind as it learns about—and makes sense of—Terry's long life of crime.

3) Terry goes to federal prison, gets out, and is on the path to reform.

When Terry left St. Cloud, there's only one way to put it: he went off the deep end. The wound from the twins' death still fresh, he tried to fill it with criminality and hedonism.¹⁶ He lived in the moment and made bad choice after bad choice. It was a form of self-medication. Having never properly grieved his loss, Terry dug deeper and deeper into a life of crime. He also fathered another child with Cronquist,

¹⁴ *Id.* at ¶¶ 65, 73, 114.

¹⁵ *Id.* at ¶ 73 (cleaned up).

¹⁶ *Id.* at ¶¶ 42-51.

a boy named Brandon, and a also daughter named Crystal with another woman.¹⁷ Terry was never really a partner to either of these women, but he tried hard to be a good father to his two kids.¹⁸ But being a good father is hard when you're broken, and so ultimately Terry just kept committing crimes.

These decisions led to several prison stints. First, Terry went to state prison from 1977 to 1983 for various burglaries.¹⁹ Upon his release, he lived in society for about four years. During that time, he met a woman named Manuela Abraham.²⁰ The two began a relationship and it seemed like it might be the thing that would turn Terry's life around. Sadly, it wasn't. Instead, he caught another charge, this time a federal one, and received a 15-year sentence.²¹ Before going to prison, Terry and Abraham married, "believing it would lessen barriers to their continued contact."²² The two quickly lost touch, however, and went their separate ways.

Terry served 9 years of his 15-year sentence before his release in 1996. Upon release, Terry moved home and began living in Grand Rapids with his brother. He

¹⁷ *Id.* at ¶¶ 66, 67.

¹⁸ *Id.* at ¶ 67.

¹⁹ *Id.*

²⁰ *Id.* at ¶ 68.

²¹ *Id.*

²² *Id.*

also bought a plot of land and continues to live there to this day.²³ He worked various jobs, including construction and as a laborer, until he became disabled in 2003.²⁴ While he struggled with his drinking at times, Terry did excellently on probation, as evidenced by the board’s decision to terminate his supervision early.²⁵ It seemed like Terry had finally put his demons to rest and was becoming a contributing member of society. But then, unfortunately, his past came calling.

4) Terry has a criminal relapse and steals the ruby slippers.

The call came in the form of an old mob associate looking to recruit Terry to help with a “job” that involved theft—Terry’s criminal calling card. The target? Perhaps the most famous movie prop of all time: Dorothy’s ruby red slippers. It seemed unbelievable. First, why the slippers? And second, why him? The answer to both had to do with proximity. Garland was born in Grand Rapids, so the city had created a museum in her honor.²⁶ And in the summer of 2005, the museum had contracted with a Hollywood memorabilia collector to display the slippers.²⁷

Knowing Terry lived close to Grand Rapids, his associate believed he was

²³ *Id.* at ¶ 69.

²⁴ *Id.*

²⁵ *Id.* at ¶¶ 49, 50, 51, 83.

²⁶ *Id.* at ¶ 7.

²⁷ *Id.* at ¶¶ 8, 15.

perfect for the job.²⁸ Terry wasn't so sure. After all, he had finally begun to change his life. He was living "straight," meaning crime-free, he had a home of his own, and his family and friends loved and supported him. He seemingly had it all. So at first, Terry declined the invitation to participate in the heist. But old habits die hard, and the thought of a "final score" kept him up at night. After much contemplation, Terry had a criminal relapse and decided to participate in the theft.

He called his associate back, agreed to the job, and asked for details. The man explained that the slippers were at the museum and that the museum "leaked like a sieve," meaning its security measures were poor. To be clear, this is not meant to blame the museum for what happened; it's simply telling it like it is. The man also told Terry that the true goal of the theft wasn't the slippers, but the gemstones affixed to the slippers. Why? Because according to Terry's associate, *the rubies were real*, and given their size, the man believed they'd command a handsome price on the black market.²⁹ This was the final piece of the puzzle for Terry, who had dealt in illegal jewels in the past. The urge was simply too great. He was in.

Having agreed, Terry got to work casing the museum, meaning looking for the perfect way to steal the slippers. In short order, he found a major weakness in the museum's security: only a single, small enclosure protected the slippers, and

²⁸ *Id.* at ¶¶ 13, 69.

²⁹ *Id.* at ¶ 15.

worse, they were on display within an arm's length of an emergency exit. The job felt almost too easy. A prototypical snatch-and-grab. Terry relayed this information to his associate, who greenlighted Terry's plan. Terry stole the slippers on the evening of August 27, 2005. He waited until the museum closed and the parking lot emptied, and then went to work. He entered the museum "by breaking a hole in the glass window section" of an exterior door.³⁰ He then "broke into the plexiglass enclosure, in which the slippers were displayed," took them, "and left."³¹ He accidentally left a single red sequin at the scene, but no fingerprints or other identifying marks.³² Just like that, the job was complete.

Slippers in tow, the issue now was how to unload them. It was obviously impossible to simply sell the rubies to a jewel wholesaler, so Terry instead had to use a "fence"—someone who dealt in buying and selling stolen goods.³³ The plan was to keep the slippers at Terry's home long enough for the fence to arrive, the fence would examine and value the rubies, and then the fence would take the rubies and sell them. The whole thing lasted less than 48 hours, meaning Terry possessed the slippers for just under two days. That's because when the fence arrived, he delivered

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

a crushing blow to Terry: the rubies on the slippers *were not real*; they were replicas.³⁴ Meaning they were worthless. Unaware of the cultural significance and value of the slippers themselves, Terry angrily decided to simply cut his losses and move on. He gave the slippers to the associate who had recruited him for the job and told the man that he never wanted to see them again.

And that's exactly what happened. The man took the slippers and Terry never heard from him again. He kept this secret to himself and went back to his old life. He lived on the land he bought in 1996, he rekindled his relationship with his children, and he even began a new romance with Abraham—who in 2018 moved to Grand Rapids to care for Terry, whose health had begun to fail.

Given all this, it seemed like Terry's transgression would go with him to his grave. But law enforcement had other ideas, and through a series of intrepid—and, at times, unethical—techniques, they eventually cracked Terry and got him to admit his involvement in the theft.³⁵ But Terry refused to cooperate in any way other than admitting his own conduct. In large part because of this, to date, the government hasn't charged anyone else with any crime related to the slippers.³⁶ The government charged Terry with theft of a major artwork, a federal felony. Terry retained counsel

³⁴ *Id.*

³⁵ *Id.* at ¶¶ 10-17, 72, 115.

³⁶ *Id.* at ¶ 115.

and eventually agreed to plead guilty to the charge via a joint plea agreement with the government. The Court accepted his guilty plea on October 13, 2023, and set his sentencing for January 29, 2024.

DISCUSSION

The parties agree that Terry should serve no time in prison. This is mainly because of Terry's advanced age and poor health.³⁷ But other mitigating facts merit consideration by the Court.

1) Terry possessed the slippers for less than 48 hours.

There's no debate that Terry's crime is serious. The theft of the slippers sent shockwaves throughout the world. But as with all criminal activity, there are levels of culpability. Here, Terry's is lower than it appears at first blush. Yes, he stole the slippers. But it's also true that he spent hardly any time with them—less than two days, to be exact. Once he learned the rubies on the slippers were replicas, Terry ended his time with the slippers. He didn't keep them stashed away for years, trying to leverage them for money.³⁸ Nor did he destroy them, thereby depriving the world of an important cultural artifact. He simply got rid of them. And for no money. He just gave them to his associate and went back to his old life. For a lifelong criminal, this is atypical behavior that merits consideration by the Court. Ultimately, the point

³⁷ *Id.* at ¶¶ 3, 77, 112, 117, 118.

³⁸ *Id.* at ¶ 115.

is this: while Terry's offense is serious, it's not as serious as it could have been. Because of that, the mercy contemplated by the plea agreement is more palatable.

2) Terry had nothing to do with the slippers after discarding them.

This is similar to Terry's first argument, but with even greater sentencing implications. It's no secret that after Terry discarded the slippers, several individuals tried to capitalize on their return. And it wasn't some cast of low-rent criminals trying to get paid. It was people with real juice, whose associations included organized crime and the federal government.³⁹ In short, had Terry wanted a piece of this action, he easily could have reached out to the man who recruited him for the job and demanded a taste. He's the one who stole the slippers, after all. But he didn't.⁴⁰ Again, for a lifelong criminal, this is a significantly noncriminal act. And it shows who Terry was after the heist.⁴¹ Yes, he made a horrible choice by stealing the slippers. But unlike many, who keep digging and digging, Terry stopped. This time, unlike before, "new Terry" beat out "old Terry." This, too, merits consideration by the Court.

3) Terry's admission provides closure to the slippers' saga.

Until Terry came forward, this case was cold. Not stone cold, but pretty

³⁹ *Id.* at ¶ 10-11.

⁴⁰ *Id.* at ¶ 115.

⁴¹ *Id.* at ¶ 71.

chilly. And without Terry, the case would likely still be unsolved. That itself merits consideration. It also merits consideration that Terry decided not to fight the charges and instead admitted to his conduct. That provided closure that otherwise wouldn't exist.⁴² Terry could have denied any involvement, set the case for trial, and likely died before a verdict. This would have left lingering questions forever. He did not do so. While Terry's code may be different than people who have never seen the inside of a prison cell, this is proof that it exists. Terry provided the answer the world has been seeking for nearly 20 years. He admitted his role, explained what happened and why, and cleared his conscience.⁴³ Had he instead just denied and died, no victims would have received the closure they all deserve. Terry made that happen. In fairness, he also caused it. But usually the person who causes it doesn't do anything to rectify it. Here, Terry did. That, too, merits consideration.

4) Terry's not the same man he was when he stole the slippers.

By all accounts, Terry is not who he was when he stole the slippers. But it's even more nuanced than that. In truth, Terry was already on the path to spiritual recovery when he stole the slippers. He had nearly 10 years of "good time" and was living a crime-free life in Grand Rapids. And but for that call from his old associate, it's unlikely Terry would have sought out the heist on his own. This of course

⁴² *Id.* at ¶ 115.

⁴³ *Id.* at ¶¶ 14-17, 21, 115.

doesn't absolve him, but it does show that the slippers came to him; he didn't go looking for them. That matters for sentencing purposes.

And if there's any lingering doubt as to Terry's morality and character before the slippers, his conduct after puts that to bed. For nearly 20 years since the theft, Terry has lived a law-abiding life. No new "jobs," no new crimes, no new nothing. Just a simple life on a lake in northern Minnesota. Like that Rockwell painting he experienced in childhood. Abraham confirms this transformation, noting that he "built a new life for himself after his release from federal prison."⁴⁴ So, too, does his son, who described him this way: "Terry is a good man and has a good heart. He just had a lot of trauma in his life, and some people just can't recover from that. I try not to fault him for anything. I think he's sorry for doing what he's done."⁴⁵ It's even confirmed by the officer who wrote Terry's presentence report:

Had [Terry] been apprehended and prosecuted closer in time to 2005, when the ruby slippers were stolen, the sentencing factors would be very different than they are now. In 2005, [Terry] was not yet 10 years away from his last imprisonment and less than 5 years from his discharge from supervision, reverting to a comparable burglary crime as those he committed in the 1970s and 1980s. However, in 2023, Martin is 76 years old and ... [h]is lack of known criminal behavior in more than 18 years is now coupled with a physical incapability of an ongoing threat to the public.⁴⁶

⁴⁴ *Id.* at ¶ 71 (cleaned up).

⁴⁵ *Id.* at ¶ 73.

⁴⁶ *Id.* at ¶ 117.

Taken together, it's clear that Terry is a far different man than he was in 1996, when released from federal prison, and even a different man than he was in 2005, when he stole the slippers. Like Brad Pitt's character, Tristan Ludlow, in the movie *Legends of the Fall*, the bear finally stopped growling inside Terry. Now quiet, Terry finished his life like he started it: as an upstanding, productive member of society. A criminal in a past life, yes. But not a criminal anymore.

5) Terry is at death's door.

Terry's failing health has been well-documented, so he won't recount it here.⁴⁷ Simply put, Terry has been dying for some time. But recently, this inevitability has gone into hyperdrive. He's qualified for hospice and he's taking more pills than anyone should have to.⁴⁸ And while the pills help keep him alive, they greatly diminish his quality of life. They nauseate him, rob him of his appetite, and dull his mental acuity.⁴⁹ It's a life, sure, but not one Terry wants. He's made peace with what he's done in this life and is ready to accept whatever comes next. He's righted as many wrongs as he can, and this guilty plea is the last step. Terry is ready

⁴⁷ See, e.g., Government's Sentencing Position (Doc. 33) at 5-6.

⁴⁸ PSR at ¶¶ 77, 112, 118 (Terry's current medications include hydromorphone, methadone, Haldol, Ativan, senna, guaifenesin, omeprazole, a nebulizer, hyoscyamine, magnesium hydroxide, bisacodyl, lisinopril, and amlodipine).

⁴⁹ *Id.* at ¶ 79.

to face the music, accept the punishment the Court believes is just, and move on with what little life he has left. While his past behavior might make it seem false, Terry does have a moral compass. And this crime had it spinning. He wants the spinning to stop.

CONCLUSION

Terry Martin never meant to be a criminal celebrity. He happened upon it when he broke two panes of glass in a museum and stole a pair of red sequined slippers. He deeply regrets this decision and is ready to accept his punishment. But he's no monster. He's a dying man ready to meet his maker. He asks the Court to accept the parties' joint plea agreement and sentence him to time served.

Date: January 19, 2024

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dane', with a large, stylized loop at the end.

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